

दूरभाष : 23238542, 23235740
Telephone : 2323542, 23236740
तार : डेनकांसिंड
Telegram : "DENCONCIND"
फैक्स : 0091-011-23231252
Fax : 0091-011-23231252
E-mail ई-मेल : secretary@dcindia.org
Website : www.dciindia.org



ऐवान-ए-गालिब-मार्ग
कोटला रोड, नई दिल्ली - 110 002
Aiwan-E-Galib Marg, Kotla Road,
New Delhi - 110 002

भारतीय दन्त परिषद

DENTAL COUNCIL OF INDIA

(CONSTITUTED UNDER THE DENTISTS ACT 1948)

DE-167-2009/A4692

Dated the 27th August, 2009

To

✓ All the Principals/Heads of the Dental Institutions in the Country

Sub: **Regarding Conducting the election of the student union as recommended in the Lyngdoh Committee Report -**

Sir,

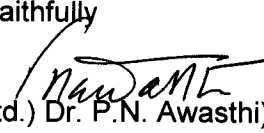
I am directed to say that in pursuance of the Hon'ble Supreme Court orders dated 2nd December, 2005, the Ministry of Human Resource Developments, Government of India, had constituted a Committee under Chairmanship of Shri J.M. Lyngdoh (Former Chief Election Commissioner) to examine and recommend upon certain aspects of student body and student union election conducted in universities, colleges and other institutions of higher education across India. The Committee submitted its Report on 26th May, 2006. The Hon'ble Supreme Court in its order dated 22nd September, 2006 directed that the recommendations of the Committee to be implemented and shall be followed in all colleges/universities elections to be held hereinafter.

The said recommendations of the Committee are available on the website of the Ministry's of the Human Resource Development at www.education.nic.in. The relevant extract of the report is enclosed for your kind perusal and strict compliance to comply the directives of the Hon'ble Supreme Court of India.

With the above, I am directed to request you to ensure that the strict necessary steps have been taken by Institutions to comply the orders of the Hon'ble Supreme Court to conduct the student union elections in your institution and **furnish the action taken report in this regard to the DCI office at an early date** to enable us to furnish the same to the Ministry of Human Resource Development for placing before the Monitoring Committee on measures to prevent ragging and to conduct Student union election in all colleges.

This may be treated as Most Urgent.

Yours faithfully


(Maj. Gen. (Retd.) Dr. P.N. Awasthi)
Secretary
Dental Council of India

Encls: Annexure 'A'

C.C.

1. Shri Sunil Kumar, Joint Secretary, Government of India, Ministry of Human Resource Department, Department of Higher Education, Shashtri Bhawan, New Delhi - 110001 - for kind information.
2. Smt. Anupama Bhatnagar, Director (HE), Ministry of Human Resource Development, (Department of Higher Education), Sastri Bhawan, New Delhi - 110001 - for kind information.
3. The Secretary to the Govt. of India, Ministry of Health & Family Welfare, (Deptt. of Health - DE Section), Nirman Bhawan, Maulana Azad Road, New Delhi -110 011 - for kind information.

6. Guidelines for Students' Elections: Recommendations of the Committee

“Just as during the freedom movement every university student was a nationalist at heart (whether he was active in the movement or not), even so, every university student today must be an integrationist at heart, whatever be his or her field... Virtues like tolerance, discipline, law abidance and punctuality, must be cultivated right from now. True democracy rests on voluntary observance of the laws of the land and not on the enforcement thereof by authority. Your education should inspire you for honour of the motherland and humanism. Students must engage yourself in economic and social development which narrows down disparities and gradually assists society in raising its standards of behaviour and morality”¹.

It is with these words of Hon'ble the Chief Justice of India in mind that this Committee proceeds to the final chapter of its Report, namely, the Guidelines for the Conduct of Student Elections in universities and colleges across the country.

The original mandate of this Committee, as prescribed by the Hon'ble Supreme Court, was primarily to examine and recommend upon: -

- 1 Criminalisation in student elections;
- 2 Financial transparency and limits of expenditure in the conduct of such elections;
- 3 Eligibility criteria for candidates seeking to contest such elections; and
- 4 The institution of a forum to address grievances and disputes arising out of student elections as regards procedural fairness, eligibility of candidates and / or the non-observance of norms during the conduct of student elections.

¹Per Y. K. Sabharwal, Hon'ble the Chief Justice of India, at the 55th Annual Convocation of the Panjab University, Chandigarh on 4th February 2006.

However, after having heard and considered the views of students, student organizations, university administrators, and members of the pedagogy, belonging to a myriad spectrum of institutions across the country, this Committee strongly feels that it must step a little beyond the four corners of its mandate, to make good the insurmountable task of balancing the interests of student democracy and political education with the larger interest of maintaining an “academic atmosphere” within the university and the college campus.

To this effect, this Committee has, in addition to prescribing norms for regulating the conduct of the election process, also made certain recommendations qua the possible models of elections, as well as in respect of the larger question of whether or not elections ought to be conducted at all, keeping in view the various instances of malpractice (on the part of students and faculty / administrators) and violence that were brought to the notice of the Committee.

The recommendations of this Committee, therefore, may be categorized under the following heads:

- 1 The need for student elections and student bodies / organizations;
- 2 Modes of elections;
- 3 Disassociation of student elections and student representation from political parties;
- 4 Frequency and duration of the election process;
- 5 Eligibility criteria for candidates;
- 6 Election-related expenditure and financial accountability;
- 7 Code of conduct for candidates and election administrators;
- 8 Grievance redressal mechanism;
- 9 Maintaining law and order on the campus during the election process;
- 10 Miscellaneous recommendations; and
- 11 Limitations Affecting the Implementation of this Committee’s Recommendations.

It is to be noted here that the Recommendations No. 3 through 10 will apply to all modes of student elections.

During the process of examination of data (which has been described in sufficient detail in the preceding Chapter), as well as during the public hearings conducted by the Committee, it was observed that there were certain ‘impediments’, both statutory, as well as in the form of veiled protest from various stakeholders, which would make the implementations of the

recommendations, set out herein below, a difficult task. The Committee is of the opinion that some of these impediments are serious enough as to warrant the intervention of the judiciary as well as of the executive (Central as well as State) to effectively and efficiently implement the recommendations set out herein below. The views of the Committee on this issue have been taken up towards the end of this Chapter under a sub-heading labeled 'Limitations'.

The Committee feels that that, in addition to achieving the object of streamlining the election process, these recommendations should also, it is hoped, encourage students guided by academic considerations to contest for positions on student representative bodies, so as to represent the academic interests of the student body.

6.1 The Need for Student Elections and Student Bodies/Organizations

During the various public meetings held by the Committee, and during the internal deliberations of the Committee, an urgent need was felt as to whether or not it was feasible, from a purely academics-related point of view, to conduct elections in universities and colleges. During the five (5) public meetings conducted by the Committee across the country, it was observed that many privately-funded institutions, affiliated to particular universities, in particular institutions conducting purely professional courses, did not provide for a structured system of student representation, much less providing for the conducting of elections for representation on student bodies. These institutions either had no system of student representation, with student grievances being dealt on a case to case basis by a Dean of Student Welfare or a like administrator, or had a rudimentary system of merit-based nominations, wherein, in certain instances, unwilling meritorious students were being nominated to represent students before the administrative authorities of the institution, and, where such meritorious students declined from taking up the nomination, undesirable students were being nominated to represent the student body. Indeed, in several instances, students themselves expressed the view that elections were unnecessary as the students (especially in professional courses such as engineering, law and management) had very little time away from their studies to even consider, much less concentrate upon, elections and matter of student representation. It was further observed, especially in the South and in Maharashtra, that an alarmingly large number of colleges were directly or indirectly owned and

controlled by politicians, who were 'satisfied' with not holding any elections, possibly to prevent any 'errant' political ideologies from creeping into the students' mind.

On the other hand, various instances were brought to the notice of the Committee involving harassment of students by the faculty and the administration, including sexual harassment, charging of exorbitant capitation fees for obtaining seats in courses as well as, ostensibly, for the provision of 'infrastructural facilities' to the students, as well as the imposition of unusually harsh norms on day-to-day student life in the name of maintaining discipline in the institution.

And finally, instances (past and present) of student elections rife with the influences of political 'funding' (Delhi, Mumbai, Kerala and U.P.) and the use of violence (Kerala and U.P.), which bring about the possible need to do away with the system of elections all together.

In the light of the myriad experiences of the conduct of elections faced by the various stakeholders, the Committee was faced with the dilemma of choosing between prohibiting elections, and to enforce a uniform system of student elections across the country. The choice boiled down to the creation of a space for democratic representation through an effective mechanism that would not only ensure the voicing of grievances and the general welfare of the student populace, but would also provide a healthy learning field for the leaders of tomorrow, while keeping in mind the autonomy of the university in matters of imparting education and maintaining a certain modicum of decorum and discipline on the campus.

The recommendation of the Committee in this regard is thus:

- 6.1.1 *Universities and colleges across the country must ordinarily conduct elections for the appointment of students to student representative bodies. These elections may be conducted in the manner prescribed herein, or in a manner that conforms to the standards prescribed herein.***
- 6.1.2 *Where the atmosphere of the university campus is adverse to the conduct of peaceful, free and fair elections, the university, its constituent colleges and departments must initiate a system of student representation based on nominations, especially where elections are being held at present. It would be advisable, however, not to base such nomination system on purely academic merit, as is being practiced throughout the country.***
- 6.1.3 *In cases where elections are not being held, or where the nomination model prevails, the nomination model should be allowed to continue for a limited period***

of time. It is to be noted that the nomination system suffers from several flaws, and must only be resorted to as an INTERIM MEASURE.

- 6.1.4** *Subject to the recommendations in respect of the possible models of elections, all institutions must, over a period of 5 years, convert from the nomination model to a structured election model, that may be based on a system of parliamentary (indirect) elections, or on the presidential (direct) system, or a hybrid of both. It is highly desirable that all institutions follow this mechanism of gradual conversion, especially for privately funded institutions that prefer a status quo situation.*
- 6.1.5** *All institutions must conduct a review of the student representation mechanism. The first review may be conducted after a period of 2 years of the implementation of the mechanism detailed above, and the second review may be conducted after the 3rd or the 4th year of implementation. The primary objective of these reviews will be to ascertain the success of the representation and election mechanism in each individual institution, so as to decide whether or not to implement a full-fledged election structure. Needless to say these reviews will be based on a consideration of the views and suggestions of all stakeholders, such as students, faculty, administration, student bodies, and parents.*
- 6.1.6** *Institutions must, as a primary objective, subject to the pertinent issue of discipline on campus, seek to implement a structured system of student elections by the conclusion of a period of 5 years from the date of the implementation of these recommendations.*

Another issue for the consideration of the Committee was the manner of student bodies that may be permitted to represent students. It was generally felt that organizations such as NSUI, ABVP, AISF, SFI etc., had a tendency, more often than not, to unnecessarily politicize the election process. The involvement of these organizations in student elections leads to the creation of rival factions within the students, which, in turn, leads to the subservience of the ultimate goal of democratic student representation. Additionally, there seems to be a widespread confusion as to the hierarchy of student bodies in universities, especially in universities that are geographically spread over a large area, sometimes encompassing entire States. Where, on one hand, it is extremely important that there be an Apex student representative body at the University level, it is extremely important to consider the fact that having a sole representative body causes logistical problems where the university includes colleges that are situated in separate districts all over the State. In this respect, therefore, the Committee recommends as thus: -

- 6.1.7** *Subject to the autonomy of the universities in respect of the choice of the mode of election, all universities must institute an apex student representative body that represents all students, colleges, and departments coming under the particular university. In the event that the university is geographically widespread, individual*

colleges may constitute their own representative bodies, which would further elect representatives for the apex university body.

6.1.8 *The union/representative body so elected shall only comprise of regular students on the rolls of the institution. No faculty member, nor any member of the administration shall be permitted to hold any post on the executive of such representative body, nor shall be allowed to be a member of any such representative body.*

6.2 *Modes of Elections*

The Committee was faced with varying types of election models that are being followed in institutions across the country, with varying results. These ranged from purely direct elections, wherein the entire student body voted for the elections to the post of union office bearers (such as in Delhi University) to systems where each department of the university had separate elections, with separate office bearer and with the vice-chancellor as the head of the union (as followed in Jhadravpur University, West Bengal), to highly structured and regulated systems of direct elections, where the entire election process was supervised by an election committee comprising of students (as followed in Jawaharlal Nehru University, Delhi, and University of Hyderabad, Hyderabad). Certain instances of indirect election, wherein elected class representatives formed an electoral college, which in turn elected the office bearers of the college / university union.

However, each existing model examined by the Committee had its own drawbacks. The direct election model followed in Delhi University is plagued with an overflow of unnecessary funds for plastering the city with posters, and for the hiring of a convoy of vehicles to tour the city and achieve fledgling political glory as well as for ‘entertaining’ constituents. The indirect form of elections followed in many parts of the country like Rajasthan is a tedious, time-consuming affair often involving college representatives traveling to the university center, at no meager expense of time and money, from far-flung districts to be a part of the apex union election process. The JNU/University of Hyderabad mode of elections, where direct elections are held in a peaceful manner and are conducted entirely by the students, where election-related expenditure is kept to a relative minimum due to strict norms on the use of posters and election propaganda, has a major drawback inasmuch as this form of election is suitable only for small universities

with of the single campus type. These drawbacks, of course, are in addition to the ground realities of the present situation, perfect examples of which are the events in Kerala, which eventually led to the constitution of this Committee, as well as the situation in Lucknow and neighbouring areas.

There also arose the question of the wishes of the various stakeholders in respect of the mode of elections. Many members of the faculty and the administration (in particular of the privately funded colleges) felt that there was no need for elections at all, whereas others wavered between indirect and direct elections. The various student organizations unanimously demanded direct elections. Individual students wavered between no elections, indirect elections and direct elections. The general consensus was that the model to be followed was the JNU model, which, however, in the Committee's opinion is not suitable for very large universities.

In view of the observations of the Committee in respect of a suitable mode of election, it was found to be extremely difficult to settle upon a uniform system for elections for the entire country. The types, sizes and compositions of universities and colleges across the country are far too many to feasibly recommend a single, foolproof mode of elections. Therefore, this Committee will recommend the following alternative modes of elections, which may be applied to universities and institutions on a case-to-case basis:

6.2.1 *A system of direct election of the office bearers of the student body whereby all students of all constituent colleges, as well as all students of the university departments vote directly for the office bearers. This model may be followed in smaller universities with well-defined single campuses (for e.g. JNU/University of Hyderabad), and with a relatively smaller student population. A graphic representation of this model is annexed herewith at Annexure IV-A.*

In respect of universities with large, widespread campuses and large student bodies, either of the following models may be adopted:

6.2.2 *A system of elections, where colleges and campuses directly elect college and campus office bearers, as well as university representatives. The university representatives form an electoral college, which shall elect the university student union office bearers. A graphic representation of this model is annexed herewith at Annexure IV-B.*

6.2.3 *A system of elections where on one hand, directly elected class representatives elect the office bearers of the college as well as the university representatives, and the campus itself directly elects the campus office bearers and the university representatives. The university representatives shall form an electoral college, which shall elect the office*

bearer of the university student union. A graphic representation of this model is annexed herewith at Annexure IV-C.

6.2.4 *A system of election wherein class representatives shall be directly elected in the colleges and universities campus and they in turn shall elect the office bearers for the college unions and the university campus union. Also they shall elect their representatives for university student union. These elected representatives from colleges and university campus shall form the electoral college, which shall elect the office bearers of the university student union. This model shall be applicable to large university with large number of affiliated colleges. A graphic representation of this model is annexed herewith at Annexure IV-D.*

6.3 Disassociation of Student Elections and Student Representation from Political Parties

The linkages between political parties and student elections are seeped deep in Indian history. However, gone are the days when the student movement was an integral cog in the *Satyagraha* machine. A large majority of the universities of India, at present, have become feeder devices for political candidates and party workers, as well as a mechanism for political parties to by-pass conduct norms prescribed by the Election Commission, as such norms do not apply to students as students.

To illustrate the seriousness of the situation, it would be pertinent here to note certain observations made by the UGC Committee on the Working of Central Universities, which was established in 1981, and which submitted its report in November 1983:

“4.1 Political activity in the universities is natural because the university is a community of thinking people, of those who are exploring the frontiers of knowledge and of those who criticize and evaluate every idea before accepting it. Our democratic tradition, and now the Constitution, ensures fundamental rights to all citizens which include freedom of thought and speech, and freedom of association. Teachers and a section of students are not only voters but they can also be candidates in local, State or Parliamentary elections. We, therefore, see nothing wrong in political parties being active on the campuses of our universities. Presentation of and debates about different ideologies and plans and perspective of national development are to be welcomed and political activity directed towards this end would be wholesome for the growth of the universities.

4.1 We, however, regret to say that much of "political" activity which we noticed and sensed on the campuses is of a degenerate nature which is a blot on the concept of politics. It is a "politics" of expediency, opportunism, that is doing what would be most advantageous at the moment to the doer and his partners; doing it while even knowing that it is wrong. The price of the little gain for the doer may be a disruption of educational activities for all. One sees this when campaigns are mounted to prevent action against those who copied in the examinations, or misused university funds in a variety of ways.

4.2 *It is also a politics of corruption where money or other attractions are used to achieve an end, be it victory in an election, or hiring of goondas to harass the functionaries or disrupt a meeting or examination.*

4.3 *In the most harmless form it is the supporting of the party's followers, whether they are right or wrong-and hounding out of the opponents.*

4.4 *It must be said, to give due recognition to the intellectuals in the universities, that at least half the time they are exploiting the politicians. Those who have vested interests in property and civil works or stores and purchases in the university or those who are frustrated because of a variety of circumstances, including non- selection to posts, or amongst students, those who failed or didn't get admission to course they desired or were rusticated for indiscipline-they use political connection and affiliation to further their interests. It is common in the universities that an agitation will go upto a certain point and when there is danger of its fizzling out, the agitators do something designed to attract counter-measures-like breaking open offices or hostels or some other provocation, and when the university is obliged to react either by taking disciplinary action, or in grave and violent circumstances, by calling in the police-the agitators appeal to the politicians to give them a hand. In a situation when the leadership of a young group of a few hundred agitators can be grabbed on seemingly "democratic" or "humane" grounds, the temptation to give a political backing becomes irresistible.*

4.5 *It is politics of this kind about which we firmly believe the mature political parties can be persuaded to take the broader interest of their own followers and of education into account, and to observe certain norms of conduct. As we all unite in facing an external danger to the country, we should unite² in protecting our universities which have a key role in building our future. ”*

Although the situation today has definitely improved for the better, it is true that political interference in the student election process is still clearly rampant, in some places more than in others. The Committee does not need to expound upon the situation in Delhi. However, instances in Kolkata were brought to the notice of the Committee, where members of political parties regularly forced independent candidates, or candidates ‘not conforming to the prevalent political ideology’ from contesting in student elections. Similar instances from Kerala were also brought to the notice of the Committee. The widely televised images of the successfully elected candidates in the recent Delhi University elections visiting political leaders to receive their blessings remain fresh in the minds of not only this Committee, but also in the minds of the general public.

² Report of the Committee on the Working of Central Universities, November 1983.

The primary need, therefore, is to evolve some mechanism that does away with, or at least minimizes the influence of political parties in student elections. A starting point would be the concept of a “union”, and the recognition of students’ representatives as a “union”. In general parlance, the term “union” brings to mind issues relating to the suppression of tradesmen and workmen, something that cannot be applied to students in an institution. It is true that all students should be entitled to certain basic standards of teaching and on-campus infrastructure, but this in itself cannot be equated to the rights of a workman.

The Committee, in its deliberations, debated over the fact that placing restrictions on affiliation to political parties may be viewed as contrary to the fundamental right of association, as provided for in the Constitution of India. However, it is also true that the right to association, as under Article 19 of the Constitution, is amenable to reasonable restrictions, as are all the other rights under Article 19. It is true that the aim of prescribing a system of elections is not only to provide for representation of student issues, but also to provide a base for young students to learn the basic fundamentals of representing others, as well as the principles of good governance. However, it is not appropriate to permit the level of interference being exercised by political parties at present, as the primary function of a university is, after all, education, and not political indoctrination, especially when such political influence brings with it all the indiscretions that political parties are known for. Therefore, in this respect, the Committee recommends:

6.3.1 During the period of the elections no person, who is not a student on the rolls of the college/university, shall be permitted to take part in the election process in any capacity. Any person, candidate, or member of the student organisation, violating this rule shall be subject to disciplinary proceedings, in addition to the candidature, as the case may be, being revoked.

6.4 Frequency and Duration of the Election Process

There was general unanimity that the election process should be held over as short a period as possible, so as to reduce the time students spend away from class in election related activities. It was noted by the Committee that in many instances elections would be held across a period of several weeks, thus leading to a severe shortage of actual teaching hours, in as much as classes would be disrupted regularly by campaigning candidates, who would often resort to interrupting

lectures to make short election speeches and to distribute propaganda such as leaflets and cards. Candidates also resorted to missing classes on the pretext of touring the campus, and the countryside in the process, allegedly for campaigning purposes. In the view of this Committee it is important that elections be held in an efficient manner so as to minimize the number of teaching hours lost by the various colleges and by the university. Furthermore, keeping in view the recommendation pertaining to the code of conduct, which will be dealt with subsequently, the Committee feels that the Elections can be held over a period of a few days. To this effect, it is recommended as follows:

6.4.1 *It is recommended that the entire process of elections, commencing from the date of filing of nomination papers to the date of declaration of results, including the campaign period, should not exceed 10 days.*

6.4.2 *It is further recommended that elections be held on a yearly basis and that the same should be held between 6 to 8 weeks from the date of commencement of the academic session.*

6.5 *Eligibility Criteria for Candidates*

Prescribing eligibility criteria for the candidates was an exceptionally difficult task for the Committee, keeping in mind the various kinds of suggestions submitted to the committee in this respect. A major hurdle before the Committee was dealing with the issue of academic merit as an eligibility criterion. Where, on one hand, institutions following the nomination model relied ostensibly on merit as a criterion for appointing student representatives, on the other hand, representatives of various student organizations such as NSUI, ABVP etc. were of the opinion that academic merit is not a fit criteria for making a student eligible for candidature. They felt that simply because a student could not attain good marks, it did not mean the he would be a bad leader. From another point of view, where many privately funded colleges supported merit as a primary criteria, it was noticed by the Committee, especially in Mumbai, that many meritorious students declined to take on the responsibility of student representatives, as they were more interested in their studies. As a result undesirable students would then be selected as student representatives. However, the Committee does not entirely want to reject the use of merit as an eligibility criterion, neither it is feasible to prescribe such high standards of merit so as to bring about the problem faced by colleges in Mumbai.

Another important eligibility criterion is that of the age of the candidate. Although, generally, it was observed that candidates and office bearers were between the ages of 20 and 25, a particular instance was brought to the notice of the committee, where a 54-year old man had contested for the post of an office bearer of a college union in Allahabad. It was even more shocking to learn that his 22-year-old son was campaigning for him. Also, several members of the various student organizations, which made submissions before the committee, were in their mid and late 30's and claimed to be permanent executives of the student organizations. In light of the above observations it is recommended that:

- 6.5.1 Under graduate students between the ages of 17 and 22 may contest elections. This age range may be appropriately relaxed in the case of professional colleges, where courses often range between 4 to 5 years.***
- 6.5.2 For Post Graduate Students the maximum age limit to legitimately contest an election would be 24 – 25 years.***
- 6.5.3 For research Students the maximum age limit to legitimately contest an election would be 28 years.***
- 6.5.4 Although, the Committee would refrain from prescribing any particular minimum marks to be attained by the candidate, the candidate should in no event have any academic arrears in the year of contesting the election.***
- 6.5.5 The candidate should have attained the minimum percentage of attendance as prescribed by the university or 75% attendance, whichever is higher.***
- 6.5.6 The candidate shall have one opportunity to contest for the post of office bearer, and two opportunities to contest for the post of an executive member.***
- 6.5.7 The candidate shall not have a previous criminal record, that is to say he should not have been tried and/or convicted of any criminal offence or misdemeanor. The candidate shall also not have been subject to any disciplinary action by the University authorities.***
- 6.5.8 The candidate must be a regular, full time student of the college / university and should not be a distance/proximate education student. That is to say that all eligible candidates must be enrolled in a full time course, the course duration being at least one year.***

6.6 Election – Related Expenditure and Financial Accountability

Keeping election-related expenditure to a minimum and to put a stop to inflow of funds from political parties, and from other undesirable sources, was always in the mandate of this Committee. During the course of the public hearings it was noticed that various persons appearing before the Committee were not comfortable in discussing the issue, and the Committee

received a considerable number of vague suggestions to the query as to what a suitable expenditure ceiling ought to be. However, many representations were made where a suitable ceiling was considered to be Rs. 5000 – Rs. 10,000 per candidate.

The problem of excessive expenditure, although not as prominently visible across the country as in Delhi and Lucknow, is an issue that needs to be dealt with in as strict a manner as possible. The problem of excessive expenditure is certainly not an alien concept, having being noted as far back as the early and mid 1980s by the Committee on the Working of the Central Universities, which observed as follows:

“There is little control over expenditure; and there is no accountability in this respect. In fact, we have been informed that large sums of money are often spent on individual elections, which make it impossible for an ordinary student without political or other connection to get elected. We are told that a lot of expenditure on elections to the unions is incurred by the universities from their own resources; in one case a sum of Rs. 50,000 is mentioned for printing the ballot papers.”³

In this light, the Committee recommends as follows:

- 6.6.1** *The maximum permitted expenditure per candidate shall be Rs. 5000/-*
- 6.6.2** *Each candidate shall, within two weeks of the declaration of the result, submit complete and audited accounts to the college / university authorities. The college/university shall publish such audited accounts, within 2 days of the submission of such accounts, through a suitable medium so that any member of the student body may freely examine the same.*
- 6.6.3** *The election of the candidate will be nullified in the event of any non-compliance or in the event of any excessive expenditure.*
- 6.6.4** *With the view to prevent the inflow of funds from political parties into the student election process, the candidates are specially barred from utilizing funds from any other sources than voluntary contributions from the student body.*

³ Ibid.

6.7 Code of Conduct for Candidates and Elections Administrators

Just as the Election Commission of India has prescribed a code of conduct for the general elections, it is equally important to prescribe a similar code of conduct for student elections, not only to ensure an orderly, free and fair conduct of the election process, but also to instill in students a sense of propriety in respect of student governance and the conduct of elections, so that the same values may, it is hoped, be carried forward by students interested in a career in national and local politics. The recommended code of conduct also seeks to streamline the election process in such a manner that elections may be conducted efficiently and with minimal use of monetary and other resources.

- 6.7.1** *No candidate shall indulge in, nor shall abet, any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, or between any group(s) of students.*
- 6.7.2** *Criticism of other candidates, when made, shall be confined to their policies and programs, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the other candidates or supporters of such other candidates. Criticism of other candidates, or their supporters based on unverified allegations or distortion shall be avoided.*
- 6.7.3** *There shall be no appeal to caste or communal feelings for securing votes. Places of worship, within or without the campus shall not be used for election propaganda.*
- 6.7.4** *All candidates shall be prohibited from indulging or abetting, all activities which are considered to be “corrupt practices” and offences, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing or the use of propaganda within 100 metres of polling stations, holding public meetings during the period of 24 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.*
- 6.7.5** *No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed material for the purpose of canvassing. Candidates may only utilize hand-made posters for the purpose of canvassing, provided that such hand-made posters are procured within the expenditure limit set out herein above.*
- 6.7.6** *Candidates may only utilize hand-made posters at certain places in the campus, which shall be notified in advance by the election commission / university*

authority.

- 6.7.7** *No candidate shall be permitted to carry out processions, or public meetings, or in any way canvass or distribute propaganda outside the university/college campus.*
- 6.7.8** *No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the university / college campus, for any purpose whatsoever, without the prior written permission of the college / university authorities. All candidates shall be held jointly and severally liable for any destruction / defacing of any university / college property.*
- 6.7.9** *During the election period the candidates may hold processions and / or public meetings, provided that such processions and / or public meetings do not, in any manner, disturb the classes and other academic and co-curricular activities of the college / university. Further, such procession / public meeting may not be held without the prior written permission of the college / university authority.*
- 6.7.10** *The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.*
- 6.7.11** *On the day of polling, student organizations and candidates shall –*
- (i)** *co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;*
 - (ii)** *not serve or distribute any eatables, or other solid and liquid consumables, except water on polling day;*
 - (iii)** *not hand out any propaganda on the polling day.*
- 6.7.12** *Excepting the voters, no one without a valid pass / letter of authority from the election commission or from the college / university authorities shall enter the polling booths.*
- 6.7.13** *The election commission / college/ university authorities shall appoint impartial observers. In the case of deemed universities and self-financed institutions, government servants may be appointed as observers. If the candidates have any specific complaint or problem regarding the conduct of the elections they may bring the same to the notice of the observer.*
- Observers shall also be appointed to oversee the process of nomination of students in institutions that are following the nomination model of student representation.*
- 6.7.14** *All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.*
- 6.7.15** *Any contravention of any of the above recommendations may make the candidate liable to be stripped of his candidature, or his elected post, as the case*

may be. The election commission / college / university authorities may also take appropriate disciplinary action against such a violator.

6.7.16 *In addition to the above-mentioned code of conduct, it is also recommended that certain provisions of the Indian Penal Code, 1860 (Section 153A and Chapter IXA – “Offences Relating to Election”), may also be made applicable to student elections.*

6.8 Grievance Redressal Mechanism

Another important item on the mandate of the Committee was the creation of a grievance redressal mechanism to adjudicate upon disputes arising out of student elections. To this effect, the Committee strongly recommends the setting up of grievance redressal mechanisms / election courts on the following lines:

6.8.1 *There should be a Grievances Redressal Cell with the Dean (Student Welfare) / teacher in charge of student affairs as its chairman. In addition, one senior faculty member, one senior administrative officer and two final year students – one boy and one girl (till the election results declared, students can be nominated on the basis of merit and/or participation in the co-curricular activities in the previous year). The grievance cell shall be mandated with the redressal of election-related grievances, including, but not limited to breaches of the code of conduct of elections and complaints relating to election-related expenditure. This cell would be the regular unit of the institution.*

6.8.2 *In pursuit of its duties, the grievance cell may prosecute violators of any aspect of the code of conduct or the rulings of the grievance cell. The grievance cell shall serve as the court of original jurisdiction. The institutional head shall have appellate jurisdiction over issues of law and fact in all cases or controversies arising out of the conduct of the elections in which the grievance cell has issued a final decision. Upon review, the institutional head may revoke or modify the sanctions imposed by the grievance cell.*

6.8.3 *In carrying out the duties of the office, the Grievance cell shall conduct proceedings and hearings necessary to fulfill those duties. In executing those duties they shall have the authority:*

- i) to issue a writ of subpoena to compel candidates, agents, and workers, and to request students to appear and give testimony, as well as produce necessary records; and*
- (ii) to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.*

6.8.4 *Members of the Grievance cell are prohibited from filing complaints. Any other student may file a complaint with the Grievance cell, within a period of 3 weeks*

from the date of declaration of results. All complaints must be filed under the name of the student filing the complaint. The Grievance cell shall act on all complaints within 24 hours after they are received by either dismissing them or calling a hearing.

6.8.5 *The Grievance cell may dismiss a complaint if:*

- (iii) the complaint was not filed within the time frame prescribed in Recommendation 8.4 above;*
- (iv) the complaint fails to state a cause of action for which relief may be granted;*
- (v) the complainant has not and / or likely will not suffer injury or damage.*

6.8.6 *If a complaint is not dismissed, then a hearing must be held. The Grievance cell shall inform, in writing, or via e-mail, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing. The parties are not considered notified until they have received a copy of the complaint.*

6.8.7 *The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after receipt of the notice described above, unless all parties agree to waive the 24-hour time constraint.*

6.8.8 *At the time notice of a hearing is issued, the Grievance cell, by majority vote, may issue a temporary restraining order, if it determines that such action is necessary to prevent undue or adverse effects on any individual or entity. Any restraining order, once issued, will remain in effect until a decision of the Grievance cell is announced after the hearing or until rescinded by the Grievance cell.*

6.8.9 *All Grievance cell hearings, proceedings, and meetings must be open to the public.*

6.8.10 *All Parties of the Grievance cell hearing shall present themselves at the hearing, may be accompanied by any other student from which they can receive counsel, and have the option to be represented by that counsel.*

6.8.11 *For any hearing, a majority of sitting Grievance cell members must be in attendance with the Chair of the Grievance cell presiding. In the absence of the Chair, the responsibility to preside shall fall to an Grievance cell member designated by the Chair.*

6.8.12 *The Grievance cell shall determine the format for the hearing, but must require that both the complaining and responding parties appear physically before the board to discuss the issues through a complaint, answered, rebuttal, and rejoinder format. The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To effectuate this purpose, the following rules should prevail at all hearings:*

- *Complaining parties shall be allowed no more than two witnesses, however the Grievance cell may call witnesses as required. If said witnesses are*

unable to appear at the hearing, signed affidavits may be submitted to the Grievance cell Chair for the purpose of testifying by proxy.

- *All questions and discussions by the parties in dispute shall be directed to the Grievance cell.*
- *There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.*
- *Reasonable time limits may be set by the Grievance cell, provided they give fair and equal treatment to both sides.*
- *The complaining party shall bear the burden of proof.*
- *Decisions, orders, and rulings of the Grievance cell must be concurred to by a majority of the Grievance cell present and shall be announced as soon as possible after the hearing. The Grievance cell shall issue a written opinion of the ruling within 12 hours of announcement of the decision. The written opinion must set forth the findings of fact by the Grievance cell and the conclusions of law in support of it. Written opinions shall set a precedent for a time period of three election cycles for Grievance cell rulings, and shall guide the Grievance cell in its proceedings. Upon consideration of prior written opinions, the grievance cell may negate the decision, but must provide written documentation of reasons for doing so.*
- *If the decision of the Grievance cell is appealed to the institutional head, the Grievance cell must immediately submit its ruling to the commission.*
- *The Grievance cell shall select the remedy or sanction most appropriate to both the type and severity of the infraction, as well as the state of mind or intent of the violator as determined by the Grievance cell. Possible remedies and sanctions include, but are not limited to, fines, suspension of campaigning privileges, and disqualification from the election.*
- *Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.*
- *If, after a hearing, the Grievance cell finds that provisions of this Code were violated by a candidate, or a candidate's agents or workers, the Grievance cell may restrict the candidate, or the candidate's agents or workers, from engaging in some or all campaign activities for some or all of the remainder of the campaign. If an order is issued covering only part of the remaining campaign period, it shall take effect immediately so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.*
- *If, after a hearing, the Grievance cell finds that provisions of either this Code or decisions, opinions, orders, or rulings of the Grievance cell have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the Grievance cell may disqualify the candidate.*
- *Any party adversely affected by a decision of the Grievance cell may file an appeal with the institutional head within twenty-four (24) hours after the adverse decision is announced. The institutional head shall have discretionary appellate jurisdiction over the Grievance cell in all cases in which error on the part of the Grievance cell is charged.*
- *The decision of the Grievance cell shall stand and shall have full effect until*

the appeal is heard and decided by the institutional head.

- *The institutional head shall hear appeals of Grievance cell rulings as soon as possible, but not within twenty-four (24) hours after the Grievance cell delivers to the Appellant and the institutional head a copy of its written opinion in the case. Appeal may be heard prior to this time, but only if the Appellant waives the right to a written opinion and the institutional head agrees to accept the waiver.*
- *The institutional head can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance cell until the appeals are decided.*
- *The institutional head shall review findings of the Grievance cell when appealed. The institutional head may affirm or overturn the decision of the Grievance cell, or modify the sanctions imposed.*

6.9 Maintaining Law and Order on the Campus during the Election Process

In addition to the code of conduct prescribed above, it is important that the college/ university authorities resort to the assistance of the police in the event of any unlawful activity occurring not only during the elections, but also otherwise. The Committee on the Working of Central Universities gave a similar recommendation. However, it is observed that colleges / universities more often than not refrain from taking police assistance to deal with campus violence and lawlessness on the ground that the reputation of the university / college would be adversely affected. The Committee does not agree with this line of thought. In the words of the Committee on the Working of Central Universities:

“2.44 There is a strange hangover of the colonial period when politics of freedom was combated with the help of the police force that university "autonomy" is supposed to be violated if the police is called in. We believe that the police is a part of civil law and order machinery, and it should be as much available to protect lives, property and functioning of the university as is available to any other establishment in the country. If the university is working normally or within defined bounds of tension naturally there is no need for the police; but if it becomes disturbed by exceeding certain limits, as suggested above, the blame, if any, for causing the police to come in for protection would squarely lie with those who created the particular conditions. The autonomy of the university has no relation to this circumstance, just as the fundamental rights or privacy of a citizen are not related to his having to take police assistance in an emergency. ”⁴

- 6.9.1 Any instance of acute lawlessness or the commission of a criminal offence shall be reported to the police by the university / college authorities as soon as possible, but not later than 12 hours after the alleged commission of the offence.**

⁴ Ibid.

6.10 Miscellaneous Recommendations

- 6.10.1 Student representation is essential to the overall development of students, and, therefore, it is recommended that university statutes should expressly provide for student representation.***
- 6.10.2 Student representation should be regulated by statute (either a Central Statute, State Statute or individual university statutes), incorporating the recommendations prescribed herein.***
- 6.10.3 The institution should organize leadership-training programs with the help of professional organizations so as to groom and instill in students leadership qualities.***
- 6.10.4 In the event of the office of any major post of office bearer falling vacant within two months of elections, re-elections should be conducted; otherwise the Vice President may be promoted to the post of President and Joint Secretary to the post of Secretary, as the case may be.***

6.11 Limitations Affecting the Implementation of this Committee's Recommendations

The primary and most substantial impediment in the way of the implementation of the recommendations contained herein is the fact that certain States, such as Maharashtra, prohibit the holding of student elections by way of a State statute. For instance, the Maharashtra Universities Act, 1994, vide Section 40(1), provides for the setting up of a University Students' Council, but specifically prohibits the Council from engaging in any political activity, effectively prohibiting student elections in the State of Maharashtra. The same may be true for other States, which the Committee could not examine due to paucity of time and the magnitude of the task at hand.

The existence of such prohibitory Statutes, the Committee understands, will prevent the implementation of its recommendations, as that would require the amendment of such statutes, which is in the province of the State Legislature, which may not, as history has shown (e.g. in the case of Maharashtra), be inclined to implement such stringent regulation of student election.

The other possible way of bypassing this hurdle would be for a State High Court or the Supreme Court to declare such prohibitory provisions as unconstitutional. However, such provisions must first be challenged before the Courts, and it is the observation of the Committee that no person,

till now, seems to have taken up this issue before the judiciary. It would thus, in the opinion of the Committee, be prudent for the Central Government and/or the Hon'ble Supreme Court to lead the way in the matter, and to impress upon the concerned State Governments the need for a healthy student democracy, and, consequently, the need to amend any prohibitory statutes that may be in place.

Structured Schedule on Students' Union Elections

1. Is there any registration of students' organizations? If so, by whom?
 - Any indication of affiliation with national/regional political parties?
 - Any requirement that the unions while applying must show that they uphold the Constitution of India and its democratic principles?
 - Any provisions for deregistration or de-recognition, and if so what are the reasons there for?
2. Are there any statutes/rules for conducting elections?
 - What is the system of elections – first-past-the-post or preferential system?
3. Is there any body corresponding to Election Commission of India to conduct university elections?
4. How are nominations filed by nominees of students' organizations /independent candidates?
 - How many proposers for each category?
 - What is the nomination fee?
 - Are there any qualification requirements – minimum/maximum age limits, minimum attendance, previous academic record, general conduct, number of times for which a candidate may contest?
 - Do candidates have to file an affidavit deposing whether they have been convicted of any criminal offence or whether any criminal cases are pending against them, as well as details of their assets and liabilities including those of their dependants if any?
 - Are there any rules for disqualification? If so, on what grounds?
 - Are there any electoral rolls?
 - Are they revised annually?
 - By whom are they maintained and revised?
 - Are the voters assigned to pre-determined polling stations?
 - Are ID cards used to identify voters?
 - If not, how is the identity established before voting?
 - Is voting by ballot paper or voting machines?
 - If by ballot paper, where are ballot papers printed?
 - And how is their security ensured to make it sure that they don't fall into wrong hands or substituted by counterfeit ballot papers at the poll?
 - Is there a common ballot papers for various posts on separate ballot papers for each post?
 - How are the names of candidates arranged on ballot papers?
5. Any previous instances of election related violence with details?
6. What security arrangements are there for ballot boxes from polling till declaration of

- results?
7. How many voters are there per polling stations and what are the voting hours?
 - Is voting discontinued automatically at the end of polling time?
 - Are the voters in queue before the end of the polling time allowed to cast their votes even after the expiry of the polling time?
 8. What is the composition of the polling personnel in each polling station?
 - Is the composition such that the personnel do not favour one student union or the other?
 9. What are the arrangements for counting and who counts?
 - Is the counting done in the presence of candidates and their agents?
 - Is there any provision of recounting and who directs recounting?
 10. Between the announcement of the elections and the declaration of results, is there anything corresponding to the Model Code of Conduct for the political parties which neutralises the advantages of the ruling parties? For e.g. In Assembly and Parliamentary elections using public funds for election related advertisements making new appointments, entering new contracts, taking up new projects, using public resources like guest houses, vehicles, government servants etc. for election purposes if there is a Model Code of Conduct how does university deals with criminal activities during the election process?
 - How soon are the police informed/involved, if at all?
 11. Are there any rules for not putting up posters in public places or for removing the same?
 - How does university deals with election related damage to its properties on campus?
 12. What are the overall security arrangements for conducting elections in proper manner since the police are not allowed in university premises? How does the university regulate campaigning in the campus i.e. where and when candidates may campaign, cut off dates/times for campaigning.
 13. Are candidates required to make financial disclosures on their electoral expenditure and are there any expenditure ceilings? If so, who scrutinises/audits the expenditure?
 - Are the candidate's financial records available for public inspection?
 - Any consequences for breaking the ceilings?
 - Are there any restrictions on (i) use of vehicles for campaign and on the day of poll (ii) use of loudspeakers, (iii) entertainment of voters.
 14. What is the machinery for election appeals?
 15. What are the activities that the unions / organizations undertake for student's welfare?
 16. Are postgraduate students permitted to conduct elections? If so, do they have a separate representative body?
 - Are they permitted to vote in undergraduate elections?
 17. Is email used as a medium of campaigning?(use of mailing lists/leased servers?)
 18. How are girls represented on students bodies/unions?

19. What is the ratio of boys to girls?
20. How many girls contest elections?
21. Are there any seats by reservation or nomination for girls?
22. What is the role of the faculty in the election process?
 - Are faculty members allowed to put question to candidates in respect of their proposed or past policies as the case may be?
 - Do faculty members play any role in regulating the election process?

Questionnaire on Students' Union Elections

S. No.	Questions	Remarks
1.	Does your University and/ or affiliated College hold Student Union Election?	Yes / No
2.	If yes, which is the composition of Student Body/Student Union and how are office bearers elected?	Nomination/Election
3.	If they are elected by Nomination, What is the criterion?	Academic Merit/ Qualification / Age
4.	If they are elected by contest what is the criterion?	Consensus / Secret ballot / Show of hands
5.	Is there political interference/sponsorship?	Yes / No
6.	Is there indication of source of expenditure?	Yes / No
7.	If yes, is there any ceiling on expenditure?	Yes / No
8.	Is there any mechanism to ensure free and fair elections?	Yes / No
9.	Whether print media/electronic media is allowed to be used?	Yes / No
10.	Any suggestions in respect of holding of student bodies / union elections	Your suggestions will be given due consideration at the highest level.

Other Related Data and Analyses

Table 3.1 Pre-requisites for Filing Nomination

Pre-requisites	Affidavit	Character Certificate from Faculty	Both Affidavit and Character Certificate	Parents' Consent Letter	Nothing	No Response Given	Total
Universities	6	2	0	0	0	151	159
Colleges	2	3	4	1	7	53	70
Students' Organisations	2	0	0	0	0	36	38
Teachers' Organisations	0	0	0	0	0	19	19
Other Organisations	0	0	0	0	0	13	13
Individual - Students	0	1	0	0	1	20	22
Individual - Teachers	0	0	0	0	0	14	14
General Public	0	0	1	1	0	13	15
Total	10	6	5	2	8	319	350

Ten respondents were in favour of submitting affidavits, six in favour of character certificates and another five wanted both affidavits and character certificates. Two wanted parents' consent letter to be enclosed with the nomination papers, whereas eight believed that there should not be any such pre-requisites.

Besides, many universities and colleges have a clear-cut policy on to whom the right to vote should be given. 45 universities and 11 colleges have endowed this right to all their regular students. According to four of them it should not be given to the students of diploma and certificate courses and also not to the employed students. Quite a few of them (8) believed that it should not be given to the students of affiliated, aided and private colleges. In a few universities and colleges students of professional courses were not allowed to vote for the purpose of constitution of students' union elections. Hence, it may be concluded that majority of the respondents from universities and colleges were in favour of giving right to vote to all their students for composition of students' union.

It is convention that generally the post of president is reserved for final year outgoing students in many universities. A few universities (13) conform to this. A few of them (7) felt otherwise. According to 11 of them, the post of general secretary should be reserved for the students who were in their second-last year, whereas for other posts there were no such restrictions.